



Federal Register

**Monday,
April 24, 2000**

Part XLI

Railroad Retirement Board

Semiannual Regulatory Agenda

RAILROAD RETIREMENT BOARD (RRB)

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda contains lists of regulations that the Board is developing

or proposes to develop in the next 12 months and regulations that are scheduled to be reviewed in that period.

ADDRESSES: 844 North Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT:

Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, (312) 751-4945, FAX (312) 751-7102, TDD (312) 751-4701.

SUPPLEMENTARY INFORMATION:

REGULATIONS THAT ARE ROUTINE IN NATURE OR PERTAIN SOLELY TO INTERNAL AGENCY MANAGEMENT HAVE NOT BEEN INCLUDED IN THE AGENDA.

Dated: February 25, 2000

By Authority of the Board.

Beatrice Ezerski,
Secretary to the Board.

Railroad Retirement Board—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3805	Sickness Benefits	3220-AB44
3806	Application for Annuity or Lump Sum	3220-AB45

Railroad Retirement Board—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3807	Registration for Railroad Unemployment Benefits; Determination of Daily Benefit Rate; Sickness Benefits; Duration of Normal and Extended Benefits	3220-AB39
3808	Family Relationships	3220-AB40
3809	Determining Disability	3220-AB42
3810	Evidence Required for Payment	3220-AB43

Railroad Retirement Board—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3811	Employers Under the Railroad Retirement Act; Employers Under the Railroad Unemployment Insurance Act	3220-AA51
3812	Employees Under the Railroad Retirement Act	3220-AA52
3813	Reduction and Non-Payment of Annuities by Reason of Work	3220-AA61
3814	Voluntary Quit	3220-AA75
3815	Determining Disability	3220-AA99
3816	Requests for Reconsideration and Appeals Within the Board	3220-AB03
3817	Creditable Railroad Compensation	3220-AB23
3818	Finality of Decisions Regarding Unemployment and Sickness Insurance Benefits	3220-AB25
3819	General Administration	3220-AB35

Railroad Retirement Board—Completed Actions

Sequence Number	Title	Regulation Identification Number
3820	Plan of Operation During a National Emergency	3220-AB36
3821	Remuneration	3220-AB38
3822	Determining Disability	3220-AB41

RAILROAD RETIREMENT BOARD (RRB)

Proposed Rule Stage

3805. • SICKNESS BENEFITS**Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 362(i); 45 USC 362(l)**CFR Citation:** 20 CFR 335.3**Legal Deadline:** None**Abstract:** The Railroad Retirement Board amends its regulations under the Railroad Unemployment Insurance Act to accept a "statement of sickness" signed by a "nurse practitioner."**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law,

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RIN: 3220-AB44**3806. • APPLICATION FOR ANNUITY OR LUMP SUM****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 45 USC 231d; 45 USC 231f**CFR Citation:** 20 CFR 217.8**Legal Deadline:** None**Abstract:** The Railroad Retirement Board amends its regulations to accept

an application filed for a divorced spouse benefit as an application for a spouse benefit if the parties remarry within six months of the date of divorce.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
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Fax: 312 751-7102**RIN:** 3220-AB45

RAILROAD RETIREMENT BOARD (RRB)

Final Rule Stage

3807. REGISTRATION FOR RAILROAD UNEMPLOYMENT BENEFITS; DETERMINATION OF DAILY BENEFIT RATE; SICKNESS BENEFITS; DURATION OF NORMAL AND EXTENDED BENEFITS**Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 322(i); 45 USC 362(l)**CFR Citation:** 20 CFR 325; 20 CFR 330; 20 CFR 335; 20 CFR 336**Legal Deadline:** None**Abstract:** The Board amends its regulations to incorporate amendments made to the Railroad Unemployment Insurance Act by Public Law 104-251.**Timetable:**

Action	Date	FR Cite
NPRM	12/03/99	64 FR 67811
NPRM Comment Period End	02/01/00	
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law,

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RIN: 3220-AB39**3808. FAMILY RELATIONSHIPS****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231f**CFR Citation:** 20 CFR 222**Legal Deadline:** None**Abstract:** The Board amends its regulations to clarify how it uses appropriate State law, particularly State inheritance laws, to determine when an individual is the child of the employee.**Timetable:**

Action	Date	FR Cite
NPRM	12/08/99	64 FR 68647
NPRM Comment Period End	02/07/00	
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4945
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Fax: 312 751-7102**RIN:** 3220-AB40**3809. DETERMINING DISABILITY****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 45 USC 231a; 45 USC 231f(b)(5)**CFR Citation:** 20 CFR 220.186**Legal Deadline:** None**Abstract:** The Board proposes to amend section 220.186 of its disability regulations to eliminate continuing disability review of disability annuitants in cases where medical improvement is not expected.

RRB

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/18/99	64 FR 62996
NPRM Comment Period End	01/18/00	
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 3220-AB42

3810. EVIDENCE REQUIRED FOR PAYMENT

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 219.6

Legal Deadline: None

Abstract: The Board amends section 219.6 to permit the use of non-certified copies of documents, or facsimile copies of records or documents that are required to establish eligibility for benefits under the Railroad Retirement Act.

Timetable:

Action	Date	FR Cite
NPRM	11/26/99	64 FR 66433
NPRM Comment Period End	01/25/00	
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 3220-AB43

RAILROAD RETIREMENT BOARD (RRB)

Long-Term Actions

3811. EMPLOYERS UNDER THE RAILROAD RETIREMENT ACT; EMPLOYERS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Priority: Other Significant

Legal Authority: 45 USC 231f(b)(5); 45 USC 362(l)

CFR Citation: 20 CFR 202; 20 CFR 301

Legal Deadline: None

Abstract: The Board is considering revisions to existing parts 202 and 301 of the RRB's regulations defining entities covered as employers under the Railroad Retirement and Railroad Unemployment Insurance Acts to reflect case-by-case adjudications that have occurred since the regulations were originally adopted. The Board will seek input from rail employers and rail labor on the need to revise the regulations as well as on the revisions to be made. In addition, any revisions will be referred for review and comment to the Internal Revenue Service, which administers a companion statute, the Railroad Retirement Tax Act.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 3220-AA51

3812. EMPLOYEES UNDER THE RAILROAD RETIREMENT ACT

Priority: Other Significant

Legal Authority: 45 USC 231f(b)(5); 45 USC 362(l)

CFR Citation: 20 CFR 203

Legal Deadline: None

Abstract: The Board is considering revising existing part 203 of the RRB's regulations defining individuals covered as employees under the Railroad Retirement Act to reflect case-by-case adjudications that have occurred since the regulations were originally adopted. The Board will seek input from rail employers and rail labor on the need to revise the regulations as well as on the revisions to be made. In addition, any revisions will be referred for review and comment to the Internal Revenue Service, which administers a companion statute, the Railroad Retirement Tax Act.

Timetable:

Action	Date	FR Cite
NPRM	01/05/89	54 FR 318
NPRM Comment Period End	02/06/89	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Federal

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RIN: 3220-AA52

3813. REDUCTION AND NON-PAYMENT OF ANNUITIES BY REASON OF WORK

Priority: Other Significant

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 230

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) amends 20 CFR part 230 to explain how annuity deductions on account of work are assessed in accordance with current law.

RRB

Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	08/16/95	60 FR 42482
NPRM Comment Period End	09/25/95	60 FR 43999
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 3220-AA61

3814. VOLUNTARY QUIT**Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 362(l)**CFR Citation:** 20 CFR 328**Legal Deadline:** None

Abstract: A new part 328 is added to explain when unemployment insurance benefits are not payable because the employee voluntarily left employment.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 3220-AA75

3815. DETERMINING DISABILITY**Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231a; 45 USC 231f**CFR Citation:** 20 CFR 220.114**Legal Deadline:** None

Abstract: Section 114 of part 220 is being amended to expand the Board's description of the manner in which symptoms, including pain, are

evaluated for purposes of determining disability.

Timetable:

Action	Date	FR Cite
NPRM	09/11/95	60 FR 47122
NPRM Comment Period End	11/13/95	
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 3220-AA99

3816. REQUESTS FOR RECONSIDERATION AND APPEALS WITHIN THE BOARD**Priority:** Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 45 USC 231f(b)(5); 45 USC 231g; 45 USC 355**CFR Citation:** 20 CFR 260**Legal Deadline:** None

Abstract: The RRB is amending its regulations to provide for its field offices to make timeliness determinations on requests for reconsideration of decisions of the RRB's various adjudicating units.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

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RIN: 3220-AB03

3817. CREDITABLE RAILROAD COMPENSATION**Priority:** Other Significant**Legal Authority:** 45 USC 231f**CFR Citation:** 20 CFR 211.3**Legal Deadline:** None

Abstract: The RRB amends its regulations regarding the creditability of pay for time lost to prohibit the crediting of pay for time lost beyond the date of a judgment or settlement, or in the absence of a judgment or settlement, beyond the date of payment. The Labor Member of the RRB dissents from this proposal and recommends allowing the crediting of pay for time lost in these circumstances when the accompanying railroad retirement taxes are paid on the compensation.

Timetable:

Action	Date	FR Cite
NPRM	12/04/97	62 FR 61488
NPRM Comment Period End	02/02/98	
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

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RIN: 3220-AB23

3818. FINALITY OF DECISIONS REGARDING UNEMPLOYMENT AND SICKNESS INSURANCE BENEFITS**Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 355; 45 USC 361(l)**CFR Citation:** 20 CFR 349**Legal Deadline:** None

Abstract: This new part explains when the RRB will reopen a final determination on a claim for benefits under the Railroad Unemployment Insurance Act.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No

RRB

Long-Term Actions

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 3220-AB25

Government effort. It will eliminate existing text in the CFR.

Legal Authority: 45 USC 231f(b)(5); 45 USC 362(l)

CFR Citation: 20 CFR 200

Legal Deadline: None

Abstract: The Board proposes to amend its regulations which describe its organization and general course of operations to reflect recent reorganizations.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3220-AB35

3819. GENERAL ADMINISTRATION

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing

RAILROAD RETIREMENT BOARD (RRB)

Completed Actions

3820. PLAN OF OPERATION DURING A NATIONAL EMERGENCY

Priority: Info./Admin./Other

CFR Citation: 20 CFR 375

Completed:

Reason	Date	FR Cite
Final Action	11/26/99	64 FR 66381
Final Action Effective	11/26/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Marguerite P. Dadabo
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RIN: 3220-AB36

Completed:

Reason	Date	FR Cite
NPRM	11/16/99	64 FR 62135
NPRM Comment Period End	01/18/00	
Final Action	03/17/00	65 FR 14459
Final Action Effective	04/17/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 3220-AB38

3822. DETERMINING DISABILITY

Priority: Substantive, Nonsignificant

CFR Citation: 20 CFR 220.143

Completed:

Reason	Date	FR Cite
Interim Final Rule	11/18/99	64 FR 62976
Interim Final Rule Effective	11/18/99	
Interim Final Rule Comment Period End	01/18/00	
Final Rule	03/17/00	65 FR 14458
Final Rule Effective	03/17/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 3220-AB41

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3821. REMUNERATION

Priority: Substantive, Nonsignificant

CFR Citation: 20 CFR 322